

HOUSE BILL 2459

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 53;
Title 63 and Title 68, relative to opioids.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 53-11-308, is amended by adding the following as a new subsection:

(h)

(1) Prior to prescribing any opioid to a patient who is a woman of childbearing age, a prescriber shall:

(A) Advise the patient of the risk associated with opioid use during pregnancy;

(B) Counsel the patient on appropriate and effective forms of birth control; and

(C) Offer information about the availability of free or reduced cost birth control to the patient.

(2) As used in this subsection (h) "a woman of childbearing age" means any woman between the ages of fifteen (15) and forty-four (44).

(3) This subsection (h) does not apply if:

(A) The prescriber has previously taken all actions required by subdivision (h)(1) with respect to the patient within the past three (3) months;

(B) The prescriber reasonably believes that the patient is not capable of becoming pregnant; or

(C) The opioids are being prescribed in an emergency situation.

(4) If the patient is under eighteen (18) years of age, the physician may satisfy this subsection (h) by advising, counseling, and providing information to the parent or guardian instead of the patient. This subdivision (h)(4) does not prohibit a physician from advising, counseling, and providing information directly to the patient if not otherwise prohibited by law.

(5) The department of health shall develop and publish guidance to assist prescribers of opioids in complying with this subsection (h).

SECTION 2. Tennessee Code Annotated, Section 53-11-401, is amended by deleting the period at the end of subdivision (b)(1) and substituting instead the following:

; and provided, further, that a person who fails to comply with § 53-11-308(h) is not guilty of a felony and shall be punishable only by a civil penalty assessed by the provider's licensing board and only in cases involving a pattern of willful failure to comply.

SECTION 3. This act shall take effect July 1, 2018, the public welfare requiring it.